

ADDENDUM A

Court Orders and Rule 26(e)

12/12/03 Order

- “To identify and state with specificity the source code(s) that SCO is claiming form the basis of their action against IBM.” (¶ 4.)
- “To respond fully and in detail to Interrogatory Nos. 1-9 as stated in IBM’s First Set of Interrogatories.” (¶ 1.)

Interrogatory 1: “Please identify, with specificity (by product, file and line of code, where appropriate) all of the alleged trade secrets and any confidential or proprietary information that plaintiff alleges or contends IBM misappropriated or misused,”

Interrogatory 3: “[P]lease . . . describe, in detail, . . . all places or locations where the alleged trade secret or confidential or proprietary information may be found or accessed.”

Interrogatory 4: “[P]lease describe, in detail, . . . with respect to any code or method plaintiff alleges or contends that IBM misappropriated or misused, the location of each portion of such code or method in any product, such as AIX, in Linux, in open source, or in the public domain.”

Interrogatory 6: “[P]lease . . . identify . . . all products in which, in whole or in part, the code or method is included on which, in whole or in part, the code or method is based”.

- “To respond fully and in detail to Interrogatory Nos. 12 and 13 as stated in IBM’s Second Set of Interrogatories.” (¶ 2.)

Interrogatory 12: “Please identify, with specificity (by file and line of code), (a) all source code and other material in Linux . . . to which plaintiff has rights; and . . . how the code or other material derives from UNIX.”

Interrogatory 13: “[P]lease . . . describe in detail how IBM is alleged to have infringed plaintiff’s rights”

3/3/04 Order

- To fully comply within 45 days of the entry of this order with the Court’s previous order dated December 12, 2003. (P. 2.)

System V

“SCO is to provide and identify all specific lines of code from Unix System V from which IBM’s contributions from AIX or Dynix are alleged to be derived.” (¶ 3.)

AIX/Dynix

“As previously ordered, SCO is to provide and identify all specific lines of code that IBM is alleged to have contributed to Linux from either AIX or Dynix.” (¶ 2.)

Linux

“SCO is to provide and identify with specificity all lines of code in Linux that it claims rights to.” (¶ 4.)

7/1/05 Order

- The Court sets interim and final deadlines for the parties to disclose with specificity all allegedly misused material and to update interrogatory responses accordingly. (P. 4; 10/07/2005 Hr’g Tr. at 56 (Counsel for SCO: “We intend to fully comply with the [July 1, 2005] order, which is the current order we understand we are operating under [which] . . . would encompass supplementing interrogatories [including interrogatory No. 13] to SCO which have asked for information relating to the nature of what we believe has been misappropriated.”).)

Fed. R. Civ. P. 26(e)

- Rule 26(e) requires “[a] party . . . to amend a prior response to an interrogatory”.